

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA, :
Plaintiff, : CASE NO. 4:19 CR 521
vs. : JUDGE BARKER
ALBERT AIAD-TOSS : MAGISTRATE JUDGE LIMBERT
Defendant. :

DEFENDANT'S MOTION TO CONTINUE AND EXTEND TIME TO FILE

Defendant Albert Aiad-Toss, through undersigned counsel, respectfully moves this Court for an extension of time to file pretrial motions and to continue the pretrial conference scheduled for January 22, 2020 at 9:00 a.m. and the jury trial scheduled for February 3, 2020 at 9:00 a.m. The reasons in support of this Motion are set forth in the following Memorandum.

Respectfully submitted,
Kegler Brown Hill + Ritter LPA

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Counsel for Defendant

MEMORANDUM

Defendant Albert Aiad-Toss (“Defendant”) was initially indicted by a federal Grand Jury on August 28, 2019 and arraigned on September 13, 2019. A Superseding Indictment was returned on November 19, 2019 and Defendant was arraigned on the Superseding Indictment on December 4, 2019. Defendant is charged in Counts One through Four with Sex Trafficking of a Minor and in Count Five with Production of Child Pornography. The counts encompass purported illegal activities over the span of approximately one month. Counts Six, Seven, and Eight of the Superseding Indictment are three new counts of Sex Trafficking of a Minor and Counts Six and Eight pertain to minors who were not previously included in the original Indictment. (Docs. 5, 28). There is also a Forfeiture Count. (Doc. 28).

This case is currently scheduled for a final pretrial conference on January 22, 2020 at 9:00 a.m. and a jury trial on February 3, 2020, at 9:00 a.m. Further, the pretrial motion cut-off date is January 8, 2020. The Government previously informed undersigned counsel that the discovery is estimated to comprise at least one terabyte of data, including significant amounts of mobile phone records and substantial records related to online activity. The Government continues to provide the defense with discovery on a rolling basis. A stipulated protective order was issued on October 16, 2019. (Doc. 25). The Government’s initial discovery materials were provided to undersigned counsel on October 25, 2019. Since the initial discovery disclosure, the Government

has provided numerous supplemental discovery disclosures to undersigned counsel. The defense is actively conducting investigation and preparing for trial.

Defendant recognizes the requirements of the Speedy Trial Act of 1974, as set forth in 18 USC § 3161, *et seq.* Defendant submits that this Motion to Continue and Extend Time to File is not made for the purpose of delaying a speedy resolution of this case, but rather it is required by the need for undersigned counsel to have time to receive and review all of the discovery materials and provide effective representation for Defendant.

Defendant further submits the factors set forth in 18 USC § 3161 (h)(7)(B)(i) and (B)(iv) are present in this case. Due to the short period of time between the arraignment on the recently issued Superseding Indictment, the rolling receipt of voluminous discovery materials, and the scheduled trial date, undersigned counsel believe and assert that failure to grant the requested continuance “. . . would be likely to . . . result in a miscarriage of justice.” 18 USC § 3161(h)(7)(B)(i).

Undersigned counsel have exercised, and will continue to exercise, due diligence in the preparation of this case, but in light of the complexity of the prosecution and the voluminous discovery documents, the current trial schedule would hinder counsel’s ability to effectively prepare for trial. 18 USC § 3161(h)(7)(B)(iv). Accordingly, Defendant’s Motion to Continue and Extend Time to File is justified under 18 USC § 3161(h)(7)(B)(i) and (B)(iv).

The Government, represented by AUSA Ranya Elzein, AUSA Bridget Brennan, and SAUSA Chris Tunnell, has no objection to this Motion to Continue and Extend Time to File and has no objection to the rescheduling of these dates. The parties had previously conferred and tentatively agreed to a trial date of June 1, 2020.

Therefore, Defendant respectfully requests the jury trial currently scheduled for February 3, 2020 at 9:00 a.m. be continued to June 1, 2020. Further, Defendant respectfully requests the Court reschedule the final pretrial conference currently scheduled for January 22, 2020 at 9:00 a.m. and extend the deadline to file pretrial motions from January 8, 2020.

Respectfully submitted,
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Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed with the Clerk of Court for the United States District Court for the Northern District of Ohio using the CM/ECF system, which will send notification of such filing to Assistant U.S. Attorneys Ranya Elzein and Bridget Brennan, 801 West Superior Avenue, Suite 400, Cleveland, Ohio 44113, on December 20, 2019, by electronic mail.

/s/ David H. Thomas
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